IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 20333 of 2006

Dated 1st November, 2006

Between

Gangini Appala Raju and ors

….Petitioners

and

The District Collector/Executive Director, AP State Housing Corporation Limited, Visakhapatnam and ors.

…..Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 20333 of 2006

ORDER:

The petitioners, three in number, who are the residents of Pentakota village of Payakaraopet Mandal in Vishakhapatnam District, have filed this Writ petition seeking Writ of Mandamus to declare the proceedings dated 23-8-2006 in letter No.787/C1/2006 issued by the

second respondent as illegal, on the ground that the beneficiaries in the list enclosed therewith are not eligible for houses under Fishermen Housing Programme for the year 2003-2004.

There was a major fire accident in Pentakota village of Kayakaraopeta mandal and victims of the said accident belong to fishermen community. At the request of the victims of the fire mishap, the District Collector/Executive Magistrate, Vishakhapatnam has issued proceedings dated 6-6-2006 in Rc.No.20/2004/Fishermen, sanctioning 138 houses to them under the Fishermen Housing Programme. In the said programme, it was decided to sanction an amount of Rs.40,000/- towards housing cost, Rs.10,000/- as subsidy, Rs.27,500/- as loan and Rs.2,500/- as beneficiary contribution.

The Joint Director of Fisheries and Mandal Revenue Officer were requested to verify and finalize the list of beneficiaries. Consequent to the said proceedings, the Joint Director of Fisheries, Visakhapatnam, has addressed a letter dated 23-8-2006 in Lr.No.787/C1/2006 to the District Manager, AP State Housing Corporation, Visakhapatnam, enclosing the list of 138 beneficiaries for the sanction of 138 houses under the housing programme. In this Writ petition, it is the grievance of the petitioners that, the petitioners are the victims and the second respondent has forwarded the list by ignoring their names and the persons included in the said list are not the real victims and they are not eligible for the benefit of housing programme.

In this Writ Petition, there is no specific allegation against any of the persons included in the list as per the housing programme sanctioned for the fire accident victims. Such persons are also not made parties as party respondents in this Writ Petition. Whether the persons included in the list enclosed along with proceedings dated 23-8-2006 are victims or not, the same cannot be gone into in this Writ

petition. But, however, if the petitioners are the victims and if their claims are ignored, they ought to have filed a representation before the District Collector or the Joint Director of Fisheries. But, no such representation was filed in this regard before they approached this Court. In that view of the matter, the relief sought in this Writ Petition cannot be granted.

However, having regard to the grievance of the petitioners, I dispose of the Writ Petition by permitting the petitioners to file a representation in this behalf before the first respondent - District Collector, within a period of two weeks from today. If such a representation is filed, the first respondent shall consider with regard to their eligibility and pass appropriate orders as expeditiously as possible.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 01-11-2006
CC in two days
(BO) Msnr.